D.B. HABEAS CORPUS PETITION NO.7252/06

MOHD. HUSSAIN VS. STATE OF RAJASTHAN

DATE OF ORDER : 21/12/2006

HON'BLE SHRI RAJESH BALIA, J.

HON'BLE SHRI GOPAL KRISHAN VYAS, J.

(IN CHAMBER)

Mr.Varun Gupta, for the petitioner.
Mr.Anand Khichi, for the respondent no.4
Mr.L.R.Upadhaya, for the State.

Today, Corpus is brought before the Court. The certificates of the Secondary School Examination, 2003 and Senior Secondary Examination , 2005 in which Najma had appeared show that her recorded date of birth is 10th July, 1988 and she is above 18 years of age. In the presence of her father-petitioner Shri Mohd. Hussain and learned counsel for the petitioner she has stated that she on her own volition had gone with respondent no.4- Ashok Kumar and has married and they are living as husband and wife. She has stated that she and Ashok Kumar are known for 4-5 years as they were living in neighbourhood at Bhopalgarh.

From the statement made in the presence of father and response of father, it is clear that she has left her home voluntarily and is major by age.

In the circumstances, it is not a case of illegal detention by anyone and she is set free to go wherever she likes.

Accordingly, this petition fails and is hereby dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

Pankaj Baweja.